

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

FILED BY

JUL 12 2005

Thomas M. Gould, Clerk
U. S. District Court
W. D. OF TN, Jackson

REGINALD MICHAEL GRAY,

Plaintiff,

VS.

RICK STAPLES, et al.,

Defendant.

No. 03-1241-T-An

ORDER GRANTING MOTION TO DISMISS FOR INSUFFICIENCY
OF SERVICE OF PROCESS AND FOR FAILURE TO PROSECUTE

Plaintiff filed a complaint pursuant to 42 U.S.C. § 1983. An order was entered dismissing Jerry Gist and Rick Staples as defendants and ordering service of process for Defendant Peaches Brown on April 2, 2004. On May 10, 2005, the court entered an order requiring Plaintiff to show cause within twenty days why the action against Defendant Brown should not be dismissed for failure to prosecute. Plaintiff was cautioned that failure to respond would result in the dismissal of the action. See Fed. R. Civ. P. 41 (b). Plaintiff has not responded to that order.

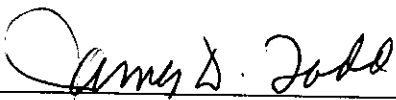
On May 12, 2005, Defendant Brown¹ filed a motion to dismiss for insufficiency of service of process and for failure to prosecute. Attached to the motion is Defendant's

¹ In the affidavit attached to her motion, Defendant states that her name is Peaches Nesbitt. In the interest of continuity and because this order will terminate the action, the court will refer to the defendant as Defendant Brown.


affidavit which states that she has not been served with process. Furthermore, the record does not reflect that service of process was executed. Plaintiff has not responded to Defendant's motion.

Because Plaintiff has failed to prosecute this action, including failing to serve Defendant with process, Defendant's motion to dismiss is GRANTED. The clerk is directed to enter judgment accordingly.

IT IS SO ORDERED.



JAMES D. TODD
UNITED STATES DISTRICT JUDGE



DATE



Notice of Distribution

This notice confirms a copy of the document docketed as number 22 in case 1:03-CV-01241 was distributed by fax, mail, or direct printing on July 12, 2005 to the parties listed.

Milton Dale Conder
RAINEY KIZER REVIERE & BELL
105 S. Highland Ave.
P.O. Box 1147
Jackson, TN 38302--114

Reginald Michael Gray
U. S. Penitentiary McCreary
19011076
P.O. Box 3000
Pine Knot, KY 42635

Honorable James Todd
US DISTRICT COURT